

AN ORDINANCE AMENDING SPECIAL ORDINANCE NO. S-297-81 BY AUTHORIZING A CHANGE IN THE ANNUAL INTEREST RATE ACCRUING ON THE CITY OF FORT WAYNE ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS (COMMERCIAL WAREHOUSE & CARTAGE, INC. PROJECT); CHANGING THE AMOUNT OF THE MONTHLY INSTALLMENT PAYMENT OF PRINCIPAL AND INTEREST ON SAID BONDS; AUTHORIZING A FIRST SUPPLEMENTAL AND AMENDATORY LOAN AGREEMENT AND A FIRST SUPPLEMENTAL AND AMENDATORY TRUST INDENTURE; AND AUTHORIZING OTHER ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") has heretofore issued its Economic Development First Mortgage Revenue Bonds (Commercial Warehouse & Cartage, Inc. Project) (the "Bonds"), in the original principal amount of \$300,000, and loaned the proceeds thereof to Commercial Warehouse & Cartage, Inc., an Indiana Corporation (the "Company") for the acquisition, construction and installation of an economic development facility within the boundaries of the Issuer; and

WHEREAS, the Issuer, the Company, the Trustee (as that term is hereinafter defined) and the holders of all of the Bonds have consented and agreed to an adjustment in the annual interest rate accruing on the Bonds, as well as a change in the monthly installment payment of principal and interest on the Bonds.

BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana:

Section 1. Definitions. In addition to the words and terms defined in the recitals and elsewhere herein, in Special Ordinance No. S-297-81 (the "Original Bond Legislation"), in the Original Indenture and in the Supplemental Indenture, the words and terms defined in this Section shall have the meanings herein specified unless the context or use clearly indicates another or different meaning or intent.

"ORIGINAL BOND LEGISLATION" means Special Ordinance No. S-297-81 of the Issuing Authority.

"SUPPLEMENTAL BOND LEGISLATION" means this ordinance.

"SUPPLEMENTAL INDENTURE" means the First Amendatory and Supplemental Trust Indenture dated as of February 1, 1986, between the Issuer and the Trustee, including this Supplemental Bond Legislation as a part thereof, and any permitted amendments or supplements thereto.

"SUPPLEMENTAL LOAN AGREEMENT" means the First Amendatory and Supplemental Loan Agreement dated as of February 1, 1986, between the Issuer and the Company, and any permitted amendments or supplements thereto.

"TRUSTEE" means the Trustee at the time acting as such under the Indenture and the Supplemental Indenture, currently Summit Bank, successor by merger to Indiana Bank and Trust Company of Fort Wayne, as Trustee, and any successor Trustee as determined or designated under or pursuant to the Indenture.

Section 2. Adjustment in Interest Rate and Monthly Payment on Bonds. The annual interest rate on the Bonds and the monthly payment of principal and interest on the Bonds as provided in Section 4 of the Original Bond Legislation shall be adjusted as hereinafter set forth. Commencing February 1, 1986, interest on the outstanding principal balance of the Bonds (calculated on the basis of a 360-day year, 30-day month) shall accrue at the rate of ten and one-half percent (10.5%) per annum. Further, commencing on March 1, 1986, and on the first day of each month thereafter until the Bonds have been paid in full, the monthly installments of principal




and interest due and payable on the Bonds shall be reduced to \$3,406.50. Except as herein specifically provided, all of the other provisions relating to the Terms of the Bonds as set forth in Section 4 of the Original Bond Legislation, and all other sections of the Original Bond Legislation, shall remain in full force and effect.

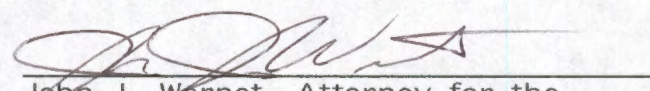
Section 3. Authorization of Supplemental Loan Agreement and Supplemental Indenture. In order to properly effect the change in interest rate and monthly payment provisions as set forth in Section 2 above, the Executive and the Fiscal Officer are hereby authorized and directed to execute, acknowledge and deliver, on behalf of the Issuer, the Supplemental Loan Agreement and the Supplemental Indenture in substantially the forms submitted to this Issuing Authority, which are hereby approved with such changes therein not inconsistent with this Supplemental Bond Legislation and not substantially adverse to the Issuer as may be permitted by the Act and approved by the Legal Officer and by the persons executing the same. The approval of such changes by the Legal Officer and such members, and that such are not substantially adverse to the Issuer, shall be conclusively evidenced by the execution of the Supplemental Loan Agreement and the Supplemental Indenture by such persons.

This Supplemental Bond Legislation shall constitute a part of the Supplemental Indenture as therein provided and for all purposes of the Supplemental Indenture, including, without limitation, application to this Supplemental Bond Legislation of the provisions in the Indenture relating to amendment, modification and supplementation, and provisions for severability.

Section 4. Effective Date. This Supplemental Bond Legislation shall take effect and be in force immediately upon its adoption.

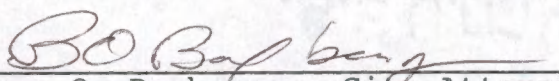
  
Councilman

Approved as to form and legality:

  
John J. Wernet, Attorney for the  
Fort Wayne Economic Development  
Commission

Dated this 24<sup>th</sup> day of January, 1986.

APPROVED AS TO FORM AND LEGALITY.

  
Bruce O. Boxberger, City Attorney  
Dated this 24<sup>th</sup> day of January, 1986



Read the first time in full and on motion by Via Junta, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.

DATE: 1-28-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Via Junta, seconded by Stier, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

|                    | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT:</u> |
|--------------------|-------------|-------------|------------------|---------------|----------------|
| <u>TOTAL VOTES</u> | <u>9</u>    | _____       | _____            | _____         | _____          |
| <u>BRADBURY</u>    | <u>✓</u>    | _____       | _____            | _____         | _____          |
| <u>BURNS</u>       | <u>✓</u>    | _____       | _____            | _____         | _____          |
| <u>EISBART</u>     | <u>✓</u>    | _____       | _____            | _____         | _____          |
| <u>GiaQUINTA</u>   | <u>✓</u>    | _____       | _____            | _____         | _____          |
| <u>HENRY</u>       | <u>✓</u>    | _____       | _____            | _____         | _____          |
| <u>REDD</u>        | <u>✓</u>    | _____       | _____            | _____         | _____          |
| <u>SCHMIDT</u>     | <u>✓</u>    | _____       | _____            | _____         | _____          |
| <u>STIER</u>       | <u>✓</u>    | _____       | _____            | _____         | _____          |
| <u>TALARICO</u>    | <u>✓</u>    | _____       | _____            | _____         | _____          |

DATE: 2-11-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. D-16-86

on the 11th day of February, 1986,

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1986, at the hour of 2:00 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of February, 1986, at the hour of 4:00 o'clock P. M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



BILL NO. S-86-01-13

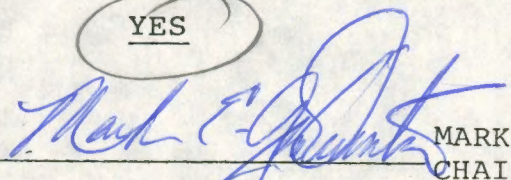
REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AMENDING SPECIAL ORDINANCE  
NO. S-297-81 BY AUTHORIZING A CHANGE IN THE ANNUAL INTEREST RATE  
ACCRUING ON THE CITY OF FORT WAYNE ECONOMIC DEVELOPMENT FIRST  
MORTGAGE REVENUE BONDS (COMMERCIAL WAREHOUSE & CARTAGE, INC.,  
PROJECT): CHANGE THE AMOUNT OF THE MONTHLY INSTALLMENT PAYMENT OF  
PRINCIPAL AND INTEREST ON SAID BONDS: AUTHORIZING A FIRST  
SUPPLEMENTAL AND AMENDATORY LOAN AGREEMENT AND A FIRST SUPPLEMENTAL  
AND AMENDATORY TRUST INDENTURE: AND AUTHORIZING OTHER ACTIONS IN  
CONNECTION THEREWITH

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(RESOLUTION)

YES

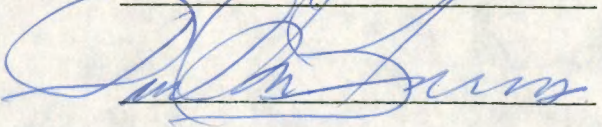
NO



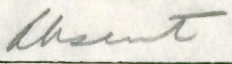
MARK E. GiaQUINTA  
CHAIRMAN



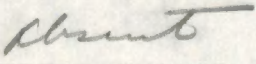
CHARLES B. REDD  
VICE CHAIRMAN



PAUL M. BURNS



JANET G. BRADBURY



JAMES S. STIER

CONCURRED IN 2-12-86.

SANDRA E. KENNEDY  
CITY CLERK